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September 12, 2014

Hon. Richard J. Sullivan (ECF Filing)  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: SEC v. Amerindo et al. 05-cv-5231 (RJS)  
Request for *pro bono* counsel for defendants.

Dear Judge Sullivan:

On behalf of defendants I submit this request for the appointment of *pro bono* counsel to represent defendants in the ongoing proceedings in the district court. The applications are attached.

Very truly yours,

/s/

Vivian Shevitz

Attached: Defendants' applications for *pro bono* counsel.

Cc: all counsel (by ECF)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEC

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(List the full name(s) of the plaintiff(s)/petitioner(s).)

05 CV 5231 (RJS) ( )

-against-

Amerindo Investment Advisors et al

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Application for the Court to  
Request Pro Bono Counsel

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(List the full name(s) of the defendant(s)/respondent(s).)

I ask the Court to request a *pro bono* attorney to represent me in this action. In support of my application, I declare under penalty of perjury that the following information is true and correct:

1. Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)?  
Please check the appropriate box below:



I have previously filed an IFP application in this case, and it is a true and correct representation of my current financial status.



I have not previously filed an IFP application in this case and now attach an original IFP application showing my financial status.



I have previously filed an IFP application in this case, but my financial status has changed. I have attached a new IFP application showing my current financial status.

2. Explain why you need an attorney in this case. (Please note that requests for *pro bono* counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of the case.) If you asked for an attorney earlier in this case, please also explain what has changed since you last asked for an attorney.

Present counsel (pro bono) asks that new pro bono counsel should be appointed for all defendants, the individuals and the entities.

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Present counsel represented the individual defendant Vilar pursuant to the CJA, and individual defendant Tanaka had CJA counsel in the Court of Appeals and in the district court. Present counsel has since withdrawn from representing defendants and each has been appointed new CJA counsel for the SEcond Circuit appeal, by that Court (14-1452, 14-1453). A new attorney is needed for effective representation of defendants' interests remaining in this case. Counsel is concerned that she cannot be effective due to a potential conflict of interest of which this Court is aware.

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3. Explain what steps you have taken to find an attorney and with what results. (Please identify the lawyers, law firms or legal clinics you have contacted and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.)

Individual defendants are without funds, as the Court is aware. The entity ~~defendants are also unable to access funds. Due to ongoing proceedings in the district court, defendants' interests should be represented by new pro~~ bono counsel. Defendants have previously been granted forma pauperis status by the Court of Appeals, and both have had CJA counsel in the ~~criminal appeal as well as for re-sentencing in the criminal case.~~

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4. If you need an attorney who speaks a language other than English, state what language(s) you speak: \_\_\_\_\_.
5. I understand that if an attorney volunteers to represent me and that attorney learns that I can afford to pay for an attorney, the attorney may give this information to the Court.
6. I understand that even if the Court grants this application, I will receive *pro bono* counsel only if an attorney volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.
7. I understand that if my answers on this application or in my IFP application are false, my case may be dismissed.

September 9 2014

Date

/s/Vivian Shevitz on behalf of defendants.

Signature

Name (Last, First, MI)

Prison Identification # (if incarcerated)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Sec

(List the full name(s) of the plaintiff(s)/petitioner(s).)

05 CV 5231 (RJS) ( )

-against-

Amerindo Investment Advisor

Application for the Court to  
Request Pro Bono Counsel

(List the full name(s) of the defendant(s)/respondent(s).)

I ask the Court to request a <sup>new</sup> *pro bono* attorney to represent me in this action. In support of my application, I declare under penalty of perjury that the following information is true and correct:

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- ☐ I have previously filed an IFP application in this case, but my financial status has changed. I have attached a new IFP application showing my current financial status.

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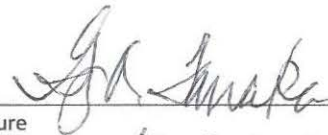


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7. I understand that if my answers on this application or in my IFP application are false, my case may be dismissed.

Date	SEPTEMBER 2014	Signature	
Name (Last, First, MI)	TANAKA GARS X	Prison Identification # (if incarcerated)	57819-054
Address	46 DUNESDALE LAKE DR	State	SD NY 10590
City		Zip Code	
Telephone Number		E-mail Address (if available)	



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEC

(List the full name(s) of the plaintiff(s)/petitioner(s).)

05 CV 5231 (RJS) ( )

-against-

Amerindo Investment

Advisors et al.

(List the full name(s) of the defendant(s)/respondent(s).)

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Request Pro Bono Counsel

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☐

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<p><u>AUGUST 6, 2014</u></p> <p>Date</p>	<p><u>Alberto W. Vilar</u></p> <p>Signature</p>	
<p><u>VILAR ALBERTO W.</u></p> <p>Name (Last, First, MI)</p>	<p><u>57828-054</u></p> <p>Prison Identification # (if incarcerated)</p>	
<p>_____ Address</p>		
<p>_____ City</p>	<p>_____ State</p>	<p>_____ Zip Code</p>
<p>_____ Telephone Number</p>	<p>_____ E-mail Address (if available)</p>	